

*L*aw. (1932) Department.
General
W.S. SERIES.

<i>L</i> G.O. No. 29
DATED 5-1-32

[Despatch Abstract.]

*Official Receiver, Mangalore -
Appointment of an adtl clerk
Negatived -*

DEPARTMENT.

Received.....192 Registered.....192 .

Subject.

✓ { 3663B
7/8/31
E

ENCLOSURES.

No

R.O.C. No. 2596-31-D3.

Spare copies.....

Station Madras, Dated the 1st August 1931.

From (Name) G.D. White Esquire, (Solicitor).

(Designation) Registrar, High Court, Madras.

To The Secretary to the Government of Madras,

LAW (GENERAL) Department.
(with enclosures).

Sir,

Establishment - Official Receiver's office - Mangalore
additional clerk - sanction requested.

1. The Official Receiver of South Kanara reports

a that the period of sanction for the additional clerk on Rs.30 per mensem sanctioned for his office in G.O.No. 13.3126 Law (General) dated 5th December 1930 expired on 17th June 1931 and that his services were dispensed with on that date.

He has also submitted a detailed statement of the arrears of work and current work that have to be attended to in his office (vide enclosed copy of his letter Dis.No.371/31 dated 24-6-'31) and states that the additional clerk will have to be sanctioned permanently, but in any event, his employment for one more year is absolutely necessary.

2. The District Judge of South Kanara has offered himself personally by an inspection of the office. His office is of opinion that it will be able to clear off the existing arrears and to attend to the work of the office without the help of an additional clerk. It is suggested that a second clerk on Rs. 30/- per mensem may be sanctioned for one year.

3. In view of the present financial position, Hon'ble the Judges have no remarks to offer, though occasionally, their Lordships would recommend the District Judge's proposals. I am therefore to forward herewith for the consideration of Government a copy of his letter No. D 3736 of the 20th 1931.

4. If the proposal is sanctioned, the extra cost involved during the current year will be met from the budget grant for the year 1931-1932 under (a) "Muzassal Civil and Sessions Courts - Pay of Establishments - Voted."

I am, Sir, Sir,

Yours,

Your most obedient servant,

[Signature]
 District Judge

Copy of letter D.No.3736 dated 30-6-31 from the District Judge, South Kanara to the Registrar, High Court, Madras.

On the recommendation of one of my predecessors, Mr. Newsam, the Government were pleased to sanction the appointment of an additional clerk on Rs.30 per mensem in the office of the Official Receiver in this district for a period of six months with effect from the re-opening of this court after the summer recess of 1930 in G.O.Mis.No.2207 dated 20-5-1930 and the term was extended by another six months in G.O.No.Mis.5126 dated 6-12-1930. The clerk having been appointed on 17-6-1930 his appointment terminated on 17-6-1931.

2. On 11-4-1931 a day before the commencement of the last midsummer recess, the Official Receiver represented to me that in spite of the strenuous work turned out by both the clerks since the appointment of the additional clerk, there have been heavy arrears which could not be cleared by one clerk alone and that it was necessary that the services of the clerk should be extended by another year.

3. As I wanted to satisfy myself personally whether the arrears were such as to necessitate the continuance of the additional clerk, I inspected the Official Receiver's office on 13-4-1931, the day on which the recess of this Court commenced, and found that most of the registers had not been maintained properly and that the preparation of the indexes of cases disposed of had not been attended to. I therefore directed the Official Receiver to see that all the entries in the registers and the work of indexing was brought up to date during the recess and informed him that the question of the extension of the term of the additional clerk would be considered after I had inspected his office again after the re-opening of the court.

4. On 17-6-1931 he reported again that the registers had been brought up to date, but that the work of indexing could not be completed. Thereupon I asked the Official Receiver

2. 4

to state clearly and specifically what is the amount of work yet to be done which could not be managed by the permanent clerk and which has to be done only by an additional clerk.

5. From his report dated 24-6-1961 (enclosed) it will be seen that the permanent clerk has enough work to attend to every day and that without the help of an additional clerk, it will be impossible to clear the existing arrears and to attend to the current work also.

6. In these circumstances I request that the High Court may be pleased to move Government to sanction the appointment of an additional clerk for a period of one year.

B

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The permanent clerk has to do daily the following routine work:-

- (i) Maintain accounts i.e. Ledger and Cash Book.
- (ii) Chalan, money orders, receipts and cheques have to be written.
- (iii) Compliance of copy applications.
- (iv) Maintain the detailed register of court fees and documents.
- (v) The daily register of court fees.
- (vi) Maintaining copies of reports to several courts and complying with the call of these courts, and arranging the records in connection with the reports. This work alone takes up practically the whole day and hence he cannot find time to attend to any other work.

When this clerk attends to the aforesaid work some of the following daily work will fall in arrears.

- (1) Register of papers received.
- (2) Despatch register. Cf. in 1929 the total papers received were 365 but in 1930 it was 1390 and in 1931 up to 23rd June 645. Papers despatched in 1929 - 548, 1930 - 754 and in 1931 up to 23rd June 370. * Entries to the Civil register No. 17 in 1929 - 514: 1930 - 754 and up to 23rd June 1931 - 372.
- (4) Notices to the insolvents, creditors and tenants and to debtors of insolvents to pay their out-standings comes to more than 10 or 15 per day on an average.
- (5) Publication in the Gazette and notice under Section 64.
- (6) Maintaining 13A register, diary and other registers which have to be attended to promptly.

Indexing of the pending cases has not been done; and also

indexing of 20 recently closed cases. The following cases
are pending administration:-

District Court - 10; Sub Court - 136; District "unsif's

10
 136
 32
 24
 11
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 are
 114
 35

46

Court Puttur - 32; District Munsif's Court, Mangalore - 22;
District Munsif's Court Kasargod - 11; District Munsif's Court,
Kundapur - 9; District Munsif's Court Karwar - 9 and District
Munsif's Court Udipi - 4.

Notices from several courts in respect of suits and
proceedings pour in daily and the clerk has to put up the
records for action and call upon the creditors to assist
the Official Receiver. This is important and a little
delay in the matter may cause complications.

In the light of the information aforesaid, retention
of the additional clerk permanently to my court is necessary for
speedy realisation and termination of proceedings. It is urgent
for a period of at least one year the retention of the additional
clerk is absolutely necessary. As his services have been assigned
with from 17-6-1931 I pray that you may be pleased to look into
the matter as early as possible as other litigants will suffer.

PP

Bo

2.9.24/8

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Law (Genl) Dept

Letter
Refce 3663B-3D 26.9.31

4509

96
6/28/4

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The Honble the Chief Justice
High Court of Judicature
Madras

Depd. Secy
11.1.31
21/10/31
26-1-1931

Honble Sir,

Establishment - Official
Receiver's Office - Mangalore.

Additional Clerk Refce: - Letter.

P 7C7 No 3663B-2 Law (Genl) 5258-31

I am directed to enquire
when a reply to the above reference
may be expected by Government.

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25.9.31
1CSW
25.9.31

26/9

29/2

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C F. 30.

DEPARTMENT.

LS4782B

Received.....192 Registered.....192 6:10:31

Subject.

Law (Genl) Dept

AS

The High Court may be reminded again on 24-10-31 if necessary.

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6/10

Law
6x31
10/10
6/20/31

ENCLOSURES.

No

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Spare copies

R.O.C. No. 2596/31 D.3

Station Madras. Dated the 3rd October 1931. 192

From (Name) G. S. White Esquire (Solicitor)..

(Designation) Registrar, High Court.

To The Secretary to the Government of Madras,
Law (General) Department.

Sir,

Establishment - Official Receiver's Office, Mangalore - additional clerk. Reference: Your letter No. 3663 B.3 Law (General) dated 26th September 1931.

I am to state that a report has been called for from the District Judge of South Kanara in the matter and that a reply will be sent as soon as it is received. He has been reminded.

I have the honour to be,
Sir,
Your most obedient servant,

G. S. White
Registrar.

MGB.

[Signature]

South

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22
6/11

32
6/11

10

Law (Int.) Dept

Letter 3663B-4076-11-31.
Refce

2.

The Honble the C.J.
High Court
Madras

Honble Sir

Establishment.

Official Receiver's Office - Mangalore

Additional Clerk Refce :- Letter

No 3663 B - 2 Law (Int.) dated

25.8.31.

I am directed to enquire
when a reply to the above reference
maybe expected by Government.

✓

4.11.31

10W
4.11.31

10/11

Dpd. by	Van 1.
	Post
	Messenger
Dpr's. initials	19.
Date	19.

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DEPARTMENT.

C.F. 30.

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13.11.31

Received 17 NOV 1931

Registered 192

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Subject.

Law (Genl) Dept

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May lie over till 14/12/31

AB/4

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13.11.31
R.V.V.
13.11.31

ENCLOSURES.

No

R.O.C. No. 2596/31.DS.

Spare copies

Station Madras., Dated the 11th November 1931.

From (Name) G.S. White Esquire, (Solicitor),

(Designation) Registrar, High Court, Madras.

To The Secretary to the Government of Madras,

Law (General) Department.

Sir,

Establishment - Official Receiver's Office
Mangalore - Additional Clerk.

Reference: Your letter No. 3663 B-4 dated
6--14-1931.

I am to state that a report has been called for
from the District Judge of ^{Southern} ~~North~~ Malabar in the matter
and that a reply will be sent to the Government as soon
as it is received.

I have the honour to be,

Sir,

Your most obedient servant,

G. S. White

Registrar.

KMN

11.11.31

12 ✓
DEPARTMENT.

L 5936B

2.12.31

Received



192

Registered

192 80

Subject.

ENCLOSURES.

No.

R.O.C. No. 2596/31-D3.

Spare copies

Station Madras Dated the 30th November 1931.From (Name) G.S. White Esquire, (Solicitor)(Designation) Registrar, High Court.

To The Secretary to the Government of Madras

LAW (General)

Department.

Sir,

Establishment - Official Receiver's office -
Mangalore - additional clerk.p 7 ante Refce: Your letter No. 3663-B-2 Law (General)
dated 25-8-1931.

I am directed to state that the District Judge of South Kanara reports that it is not feasible to depute one of the clerks from his office to the Official Receiver's office, Mangalore, and that the Honourable the Judges agree with him. Their Lordships, however, suggest that when ^{the} additional clerk's post is sanctioned as recommended, one of the clerks from the Additional District Munsif's Court, Badagara, may be deputed to the post on its abolition.

I have the honour to be,

Sir,

Your most obedient servant,

Registrar.

3363B. From the High Court R.O.C.No.2596-31-D.3 dated 1-8-1931.

Establishment - Official Receiver's Office - Mangalore
Additional clerk.

A.C.

The official Receiver, South Kanara has already a permanent clerk. In view of the arrears of indexing work in his office he has asked for an additional clerk to be appointed permanently and in any case temporarily for a period of one year. In fact it is a proposal to continue the additional clerk who has been working in the office of the Official Receiver for 1 year and whose term expired on 17-6-1931. The reasons for the proposal are set out in the Official Receiver's letter on pp.5-6 c.f. The District Judge recommends it. In view of the present financial stringency the High Court has not offered any recommendations on it.

It will be observed from the District Judge's letter at pp.3-4 c.f that the work in the Official Receiver's office is current except in respect of indexing and the additional clerk is intended more to assist the permanent clerk in his work than to clear off arrears. In view of the present financial stringency it appears unnecessary to sanction an additional clerk as asked for. For orders whether the proposal may be negatived.

now
W.S.N.

new work is stated to be ~~in progress~~ left unfinished. Indexing is no doubt an important work. With its preparation, the arrears would be cleared & work brought up to date. A permanent addl. clerk was asked for. A clerk for six months in the past has been ~~the~~ another

1-6 CR

20-2 (R) (Q)

1-1 CR

11-3-4 CR

11-1-2 CR

R

Six months have been sanctioned thereby admitting the need for assistance. It appears desirable to complete the clearance work already partly done. The Dy. Judge after personal inspection reports that the retention of the clerk for one year more is absolutely necessary, he may agree.

29/1/30

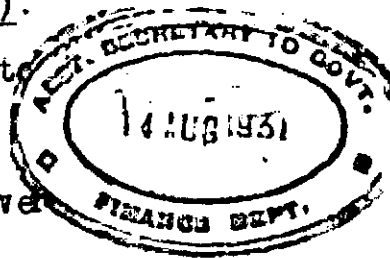
Finance may re.

29/1/30

Fin. 1.8366313-1
18/8/3

Finance (L.R.).

The proposal of the Law (Genl.) Deptt. is to sanction for a period of one year an additional clerk on Rs.30 for the office of the Official Receiver Mangalore.



2 In G.O.No.2207 Law (Genl), d.20-5-30 a temporary clerk on Rs.30 was sanctioned for ~~ex~~ a period of 6 months for that office and in G.O.No.5126 Law(Genl) d.6-12-30 the clerk was retained for a further period of 6 months. The clerk's services were however dispensed with from 17-6-31. It is now reported that the existing arrears cannot be cleared without the help of the ^{additional} ~~existing~~ clerk and the Law Dept recommend

(R)

2/7/31

(S)

1.2.31

1.2.31

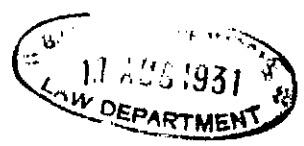
that the additional clerk may be sanctioned for one year.

3 The staff usually allowed for Official

cy p 9 of Co 2207
20.5.30 Receivers of heavy districts with an average of 100 insolvency petitions per annum is one clerk on Rs.35--60 and 1 peon on Rs.12. In other Dts.

part time clerks are deputed from the Dt. Courts to help the Official Receiver in his clerical work.

4 It is submitted that in view of the existing financial stringency, the Law Deptt. may be requested to consider the feasibility of ^{reporting} transferring a Dt. Court clerk or an ^{attender} ~~attender~~ to help the Official Receiver's clerk to clear off his arrears.



OS.
Law (G.I.) Co.

87
18.8.31
Ans.
19.8.31

19/8/31
Law (Genl.)

Law (Genl.) Deptt

fr 4024737ER-1
19.8.31

AS

Please see Finance notes above.
For orders whether the High Court may be requested to assist the DC judge to ^{or an attender} depute a clerk from his Court to assist the Official Receiver's clerk in clearing off the arrears.

L 93909B
19.8.31
SD

We may put it to the HC
Please draft

20/8

A draft is submitted.

24/8

5 29.24/8

21.8.31
1000
20.8.31

2-88222
18.5.11

R

P 7 C + 4

Letter No 3663 B-2 Law (P) dated 25.8.31 to the High Court.

From the High Court ROC No 2596, 31-03 dated 30-11-31. [593665]

The High Court states that it is not feasible to depute one of the clerks from the DC Court South Kanara, to help the Official Receiver's Clerk, Mangalore. It further suggests that when the additional clerk's post is sanctioned, one of the clerks from the Additional DC Municipal Court, Badagara may be deputed to the post on its abolition. As the ^{abolition of} Court of the Additional DC Municipal Badagara is to take effect from the date of the Commencement of the Christmas holidays 1931, the appointment of the additional clerk will have to be sanctioned with effect from that date.

The High Court's proposals may be supported and the case sent to Finance for remarks. It may be observed that the High Court has not made any reference to the possibility of the use of deputing an attorney of the DC Court to assist the Off. Receiver's clerk as suggested in this Dept. Letter at p 7 cf. Apparently the High Court does not consider such an arrangement would either be practical or satisfactory.

125W
3-12-31.

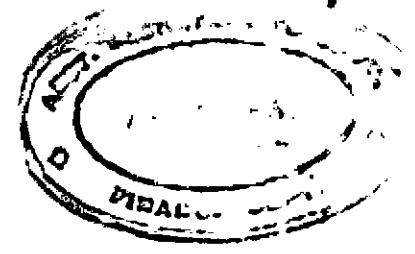
4/12

5/12/1

Fin.

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L 3663 B-5
7-12-31



5/17

Finance ER

Previous Finance notes on pp 2-3 ante

From the High Court's letter at p. 12 Cf it will be observed that it is not considered feasible to depute a clerk from the District Court to help the Official Receiver's office. The Law Dept. also observes that it may not be feasible or satisfactory to depute an attorney of the District Court to assist the Official Receiver's clerk.

p. 4 ante

2. The staff usually allowed for Official Receivers of heavy districts with an average of 100 insolvency petitions per annum is one clerk on Rs 35-60 and one peon on Rs 12-18. The average number of insolvency petitions filed during 1926-27 to 1928-29 in the S. Mauara district is only 98; and the Official Receiver has at present one clerk and a peon. There does not appear to be a ~~strong~~ case for an additional clerk; ~~and in view of the present financial stringency it is for consideration whether Finance may advise against the proposal.~~

3. If however, the Law Dept. wish to press for the additional clerk, the proposal will have to be taken up as a Part II Scheme for 1932-33.

Such schemes will be considered in Jan. '32

2/11/31
17.12.31

The official receiver has the

full staff justified by the work he has

para: 2 on p 9 of
Go 220744 (R)
20530

Statement on p 6-7 ibid

p 1 ante

ascertained from

1000. He has had a temp. ^{addl} clerk
 same? for 2 periods of 6 mths each
 to clear off arrears, and seems to
 expect a continuance of this arrange-
 ment as a matter of course. Fin.
 advice that this renewed proposal
 for the app^t of an additional temp
 clerk be negatived.

15/7/31

Law.

Law (Ind) Dept

pin no 38341-01
 1812-27

A.S

Please see the notes above. Submitted that it is not
 worthwhile to press the matter. The High Court may perhaps
 be informed that owing to the present financial stringency
 the ~~government~~ are unable to sanction an additional
 temporary clerk to the official Receiver, Mangalore. Subject
 to approval a draft letter is submitted.

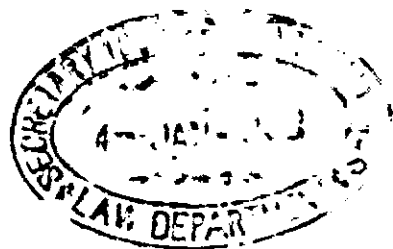
6319B

181231

22.12.31
 KSW
 22.12.31

Finance view may be
 concurred in
 The draft is for approval
 LHO
 23/12/31

C2 44-52-31



✓
25/11

15
Lett 29.
Mo. 5.1.32

Lawrence

90

the Honk. the C.J.
Hq. Court

76/57

Honk. Sir,

Off. Receiver of the
Phangdon, - appointment of an
add. clerk. - Refer correspondence
ending with M. White's letter
Ref no. 2596/31 D₃ of 20.11.31

Lett by	Passenger
Dpt	
Date	19

I am directed to state

that the Govt have carefully
considered the proposal of the
Honk. the Judge for the
appointment of an addl ~~clerk~~
clerk in the office of the Off
Receiver, South Kanara temporarily
for a period of one year. In view
of the present financial stringency
the Govt regret that they are unable
to sanction the proposal.

Kow
22.12.31

W.D
23/12